

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 20-mj- 1139

Matthew C. Ostrowski

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

COUNT 1

On or about December 17, 2019, in the County of Erie, in the Western District of New York, the defendant, **MATTHEW C. OSTROWSKI**, did knowingly possess any material that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, including by computer, and that were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 2

On or about February 5, 2020, in the County of Erie, in the Western District of New York, the defendant, **MATTHEW C. OSTROWSKI**, did knowingly possess any material that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, including by computer, and that were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

NICHOLAS MELCHIORRE
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Printed name and title

Sworn to and signed telephonically.

Date: August 25, 2020



Judge's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. McCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

NICHOLAS MELCHIORRE, being duly sworn, deposes and states:

1. I have been employed as a Special Agent (SA) with Homeland Security Investigations (HSI), within the Department of Homeland Security (DHS), since 2010. As a Special Agent, I am a federal law enforcement officer within the meaning of Rule 41(a) of the Federal Rules of Criminal Procedure, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, federal criminal offenses.

2. I have participated in investigations targeting individuals involved in the receipt, distribution and possession of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(2)(A) and Title 18, United States Code, Section 2252A(a)(5)(B). I have received specialized training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous images and videos of child pornography, as defined in Title 18, United States Code, Section 2256. As part of my employment with HSI, I successfully completed the Federal Law Enforcement Training Center's Criminal Investigator Training Program and the Immigration and Customs Enforcement Basic School, both of which included instruction with respect to the application

for, and execution of, search and arrest warrants, as well as the application for criminal complaints, and other legal processes.

3. I make this affidavit in support of a criminal complaint charging **Matthew C. OSTROWSKI (hereinafter M. OSTROWSKI)** with violations of Title 18, United States Code, Section 2252A(a)(5)(B) (Possession of Child Pornography).

4. The statements contained in this affidavit are based upon my investigation, information provided to me by other law enforcement personnel, and on my experience and training as a Special Agent of HSI. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to establish probable cause to believe that M. OSTROWSKI knowingly violated Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(a)(2)(A).

BACKGROUND OF THE INVESTIGATION

5. On December 16, 2019, the honorable Jeremiah J. McCarthy, United States Magistrate Judge for the Western District of New York, issued a federal search warrant for the OSTROWSKI residence located at 274 Meadow Drive, North Tonawanda, New York 14120 (hereinafter SUBJECT PREMISES) (Case No. 19-MJ-1146), to search for evidence of violations of Title 18, United States Code, Sections 2252A(a)(2)(A) (receipt and distribution of child pornography) and Title 18, United States Code, Section 2252A(a)(5)(B) (possession of child pornography). On December 17, 2019, Special Agents (SA) with Homeland Security Investigations (HSI), assisted by the North Tonawanda Police Department (NTPD) executed

the warrant at the SUBJECT PREMISES and seized seven (7) electronic devices from the residence pursuant to the search warrant.

6. Contemporaneous to the execution of the search warrant, your affiant and a NTPD detective interviewed M. OSTROWSKI's wife and three (3) children. One of the children interviewed was Philip OSTROWSKI (hereinafter P. OSTROWSKI), age 21. During the interview, P. OSTROWSKI stated he and his family had resided at the SUBJECT PREMISES for approximately 8 years, and prior to that they lived in Texas. P. OSTROWSKI stated the e-mail address "hotnurgle@hotmail.com"¹ sounded like an e-mail M. OSTROWSKI would utilize because his father is an avid player of the game Warhammer, and Nurgle is a faction within the game. Additionally, P. OSTROWSKI stated when the OSTROWSKI family lived in Texas, his father (M. OSTROWSKI) told him that unknown individuals had stolen his identity and were using the family computer as a "center" for child pornography.

7. Forensic analysis was completed on all seven (7) devices by HSI Buffalo Computer Forensic Agent (CFA) Matthew Bloom. On July 30, 2020, CFA Bloom issued an Interim Forensic Report detailing the results of the forensic analysis of the seven (7) items seized from the SUBJECT PREMISES on December 17, 2019. Only one (1) item seized, a Dell Inspiron 530S Desktop Computer, serial number s/n DN0QSF1 (hereinafter SUSPECT

¹ "hotnurgle@hotmail.com" was the e-mail address associated with a Discord account reported to the National Centers for Missing and Exploited Children that led to the probable cause for the December 16, 2019 search warrant issued by the Honorable Jeremiah J. McCarthy.

DEVICE 1) contained suspected child pornography files. Twelve (12) images files of suspected child pornography as defined under 18 USC 2256 were located in the unallocated space of this device. Three (3) of these files are described as:

- a. MD5² Hash: 9A21F7C41AD524100F8667130028038C – An image file depicting a 2-4 year old dark-skinned topless female performing oral sex on an adult Caucasian male in what appears to be a tub;
- b. MD5 Hash: 7F838323CD7EB7431AD9C03217F087209 – An image file depicting an erect, adult, Caucasian penis being inserted into the vagina of what appears to be Caucasian female infant; and
- c. MD5 Hash: 38AA5375264425882CA7F820389953A7 – An image file depicting two adult Caucasian males ejaculating on the face and in the mouth of a 3-6-year-old topless Caucasian female.

8. In addition to the child pornography files recovered from SUSPECT DEVICE 1, numerous artifacts recovered are consistent with child exploitation, and corroborate P. OSTROWSKI's statement regarding M. OSTROWSKI's statement to him when their family lived in Texas. Examples of these include:

- a. Google searches for "Lolita pics" on: 8/14/2010 3:39:01 PM, 8/14/2010 3:38:49 PM, 8/14/2010 3:39:03 PM, 8/14/2010 3:38:55 PM, 8/14/2010 3:40:21 PM, 8/14/2010 3:40:22 PM, 8/14/2010 3:40:37 PM, 8/14/2010 3:40:01 PM, 8/14/2010 3:39:56 PM, and 7/17/2010 7:13:44 AM;
- b. Google searches for "ch ld porn [sic]" on 3/16/2010 5:12:53 AM and 3/16/2010 5:13:01 AM;
- c. Google searches for "pre teen tube [sic]" on: 11/18/2009 4:47:59 AM, 11/18/2009 4:48:54 AM, 11/18/2009 4:50:41 AM, and 11/18/2009 4:50:38 AM;
- d. Parsed search query for "good place to ski in Texas" on 2/8/2011 11:25:53 PM and 2/9/2011 2:01:31 PM;

² A MD5 hash algorithm is a secure, 128-bit hash value used to verify data integrity and detect data corruption. A MD5 has is akin to the digital fingerprint of a file.

- e. Parsed search query for “places to learn to ride a horse in princeton Texas” on 2/9/2011 2:01:31 PM;
- f. Parsed search query for “where can u lear [sic] to ride a horse in mckinney Texas” on 2/10/2011 1:48:08 PM; and
- g. Parsed search query for “used cars mckinney Texas” on 8/20/2010 1:29:47 AM.

9. M. OSTROWSKI was not home at the time of the warrant execution, but your affiant and two HSI CFAs located M. OSTROWSKI at the SUBJECT PREMISES later the same day. M. OSTROWSKI provided your affiant with written consent to search his Apple iPhone 10 bearing phone number 716-243-1150 in his possession (hereinafter SUSPECT DEVICE 2). HSI CFA Henry Cameron completed the electronic search of SUSPECT DEVICE 1 in M. OSTROWSKI’s presence in the kitchen of the SUBJECT PREMISES. The results of the electronic search were not reviewed at the time of the search due to the lack of forensic tools on scene to process the extracted data.

10. Contemporaneous to the consent search, M. OSTROWSKI provided a voluntary, non-custodial to statement to your affiant in the presence of the two HSI CFAs. M. OSTROWSKI denied ever viewing or accessing child pornography. However, M. OSTROWSKI stated he is an avid player of the game Warhammer and owns numerous figurines of the Warhammer character “Nurgle.” M. OSTROWSKI denied using the Discord username “nurgleking#9090” or the e-mail address “hotnurgle@hotmail.com.” M. OSTROWSKI identified his e-mail addresses as “warpork@hotmail.com” and “demolisher@hotmail.com.”

11. On August 10, 2020, CFA Cameron published an Interim Forensic Report detailing the results of the forensic examination of SUSPECT DEVICE 2. In total, 4,204 unique image files of suspected child pornography as defined under 18 USC § 2256 and an additional 8,523 unique image files of child exploitative material that appears not to meet the definition of child pornography under 18 USC § 2256 were located on SUSPECT DEVICE 2. A vast majority of the suspected child pornography files depict minors under the age of 12. Additionally, approximately 101 child pornography images depict infants or toddlers, and another approximately 48 images depict sadomasochistic conduct or violence against minors. Descriptions of three files of suspected child pornography recovered from SUSPECT DEVICE 2 are described below:

- a. iPhone/Applications/group.mega.ios/Library/Cache/thumbnailsV3/08QFnIqR – Depicts a fully nude minor Caucasian female approximately 1-3 years of age lying on her back holding both her legs back with her arms while an adult Caucasian male penis is penetrating her underdeveloped vagina;
- b. iPhone/Applications/group.mega.ios/Library/Cache/thumbnailsV3/oJZQjDyL – Depicts a fully nude minor Caucasian male under the age of one. This minor male is being held sitting upright by the left arm of an adult Caucasian male. The same adult Caucasian male is holding his erect male penis in his right hand and the minor male is staring at the erect penis; and
- c. iPhone/Applications/group.mega.ios/Library/Cache/thumbnailsV3/oZEQFARI – Depicts fully nude adult Caucasian female and a minor Caucasian female approximately 2-4 years of age lying on their backs on what appears to be a bed. Both the underdeveloped breasts and underdeveloped vagina of the minor female are exposed. The minor female's legs are spread towards the camera, her right leg is lying over the left leg of the adult female, and her right arm is wrapped under the neck of the adult female. Both are looking at the camera smiling.

12. Forensic software recovered multiple applications, usernames and e-mail addresses utilized on the phone. These include the e-mail addresses

“demolisher@verizon.net”, “warpork@hotmail.com”, and “porkwar@mail.com, as well as SnapChat username “Wpork,” Line³ username “Warpork69,” and Mega⁴ username “Porky Warington.”

13. In addition to the data identified in paragraphs 11 and 12, forensic software recovered 1218 Short Message Service (“Text”) messages, including 363 deleted text messages from SUSPECT DEVICE 2. Although the phone number of a deleted message is not recoverable, the content of the communication is. Two deleted conversations recovered from SUSPECT DEVICE 2 appeared to be sexually explicit conversations with minors:

- a. The first conversation spanned two days in January 2019. During this conversation, M. OSTROWSKI and a minor he believes is 16 years of age discuss a sexual relationship the minor is purportedly having with his/her adult teacher. The minor corrected M. OSTROWSKI to tell him that he/she was 17 years old, not 16 as M. OSTROWSKI believed. In response, M. OSTROWSKI wrote, “Omg you where [sic] 14 When we started talking and play Im [sic] such a scumbag”;
- b. The second conversation occurred in March 2019. This conversation was sexually graphic in nature between M. OSTROWSKI and an unidentified individual. At one point in the conversation, M. OSTROWSKI stated, “Deep inside my cock jerks as it empty’s my seed into your fertile teen age womb.”

14. On January 30, 2020, Michael J. Roemer, United States Magistrate Judge for the Western District of New York, issued three (3) federal search warrant to seize and search SUSPECT DEVICE 2 or any other cellular phone registered in M. OSTROWSKI’s name or in his possession (Case No. 20-MJ-5041-01, 02, 03) from his person, the SUBJECT PRESMIES, or in a vehicle registered to M. OSTROWSKI, after finding probable cause that

³ Line is a mobile chat application utilized on a variety of mobile device platforms

⁴ Mega is a cloud-based data storage platform based in New Zealand

evidence of violations of Title 18, United States Code, Sections 2252A(a)(2)(A) (receipt and distribution of child pornography) and Title 18, United States Code, Section 2252A(a)(5)(B) (possession of child pornography) were more likely than not to be found on SUSPECT DEVICE 2.

FEBRUARY 5, 2020 SEARCH WARRANT

15. On February 5, 2020, Special Agents with HSI Buffalo, again assisted by NTPD executed the three (3) federal search warrants authorized by Judge Roemer on January 30, 2020. M. OSTROWSKI was located in the bedroom of the SUBJECT PREMISES and had a cellular phone in his possession. M. OSTROWSKI informed your affiant that he upgraded SUSPECT DEVICE 2 to a new Apple iPhone 11 in his possession. HSI subsequently seized the Apple iPhone 11 (serial number: G0QZQYQCN72K) in accordance with the search warrants. A forensic examination was conducted on OSTROWSKI's Apple iPhone 11 by HSI CFA Matthew Bloom, and it was determined that no child pornography files were on the device.

16. Additionally, while inside the SUBJECT PREMISES, HSI Special Agents observed a Dell Inspiron 531S Personal Computer bearing serial number: DG3XPD1 (hereinafter SUSPECT DEVICE 3) in plain view in the kitchen. OSTROWSKI's wife Maria OSTROWSKI gave HSI written consent to search SUSPECT DEVICE 3.

17. SUSPECT DEVICE 3 was transported to the HSI Forensic Laboratory in Buffalo, New York for examination by CFA Bloom. On July 30, 2020, CFA Bloom published an Interim Forensic Report detailing the results of the forensic examination of SUSPECT DEVICE 3. In total, 178 unique image files and 5 unique videos of suspected child pornography as defined under 18 USC 2256 were located on SUSPECT DEVICE 3. Additionally, 101,074 image files remain unreviewed on SUSPECT DEVICE 3 at this time. A vast majority of the suspected child pornography files depict minors under the age of 12. Descriptions of three files of suspected child pornography recovered from SUSPECT DEVICE 3 are described below:

- a. MD 5 Hash F0E33EEEB9BAD5B1E71314DF43B74D52: An image file depicting what appears to be a 2-4-year-old Caucasian female performing oral sex on an adult Caucasian male;
- b. MD5 Hash: FD93D31381CD3BE085C91DBDF5A8B699: An image file depicting a 2-4-year-old, fully nude, Caucasian female sitting on what appears to be a bed. The minor female is staring at the camera with her legs spread exposing her underdeveloped vagina to the viewer. Her right hand is touching her vagina; and
- c. MD5 Hash: 1CB00097AFE9A1D50057A83747BA430D: An image file depicting a 4-8-year-old Caucasian female lying on a bed. A Caucasian male is performing oral sex on the minor.

18. Although SUSPECT DEVICE 3 only contained one user profile, forensics revealed 5 Bing.com search queries on February 2, 2015 for “Warhammer elves end times.” This is consistent with M. OSTROWSKI’s December 17, 2019 statement that he is an avid player of the game Warhammer, P. OSTROWSKI’s statement on the same date to the same, and the user profiles recovered from SUSPECT DEVICE 2. Additionally, multiple artifacts consistent with exploitation were recovered from SUSPECT DEVICE 3. Those include:

- a. bunnyteens.com - 9/18/2012 5:30:37 PM

- b. hometeenmovies.com -9/18/2012 5:39:12 PM
- c. www.bunnyteens.com - 9/18/2012 5:30:36 PM
- d. www.bunnyteenfuck.com - 9/18/2012 5:36:56 PM
- e. hometeenmovies.com - 9/18/2012 5:39:11 PM
- f. tiny18tube.com - 9/18/2012 5:39:17 PM
- g. www.teenvids.org – no date recovered
- h. www.hotteens.org – no date recovered

IDENTIFICATION AND INTERVIEW OF A MINOR VICTIM

19. Based on the deleted text message conversations recovered from SUSPECT DEVICE 2 identified in paragraphs 13a. and 13b, your affiant identified three (3) contacts on the device with associated SnapChat accounts that appeared to represent females for whom M. OSTROWSKI held a romantic interest. Your affiant sent an administrative summons to Snap, Inc. for subscriber data and IP session logs for the three accounts in question.

20. Snap, Inc. complied with the legal demand and provided the requested subscriber data, associated phone number, and IP session logs for all three accounts. One of the SnapChat accounts in question had six (6) IP sessions across two Internet accounts. Both internet accounts resolve to the father of a minor female (MF 1) in Nassau County, New York. MF 1 is currently 16 years of age.

21. In July 2020, HSI Special Agents from Long Island, New York located and interviewed MF 1 at the Nassau County Special Victims Office in Bethpage, New York. MF 1 confirmed her SnapChat username⁵ was one of the three usernames recovered from SUSPECT DEVICE 2 referenced in paragraph 20, above. MF 1 recalled having sexually based conversations with a SnapChat user “Warpork” with username “Porkywarington” when she was 15 years of age. Further MF 1 stated she was also familiar with the Discord user “nurgleking#1990” and the e-mail address “hotnurgle@hotmail.com.”

22. MF1 stated that she spoke with SnapChat user “Warpork” for a “few months”. During that time, “Warpork” asked MF 1 to send him “nudes” of herself and directed her what to do in the images / videos. MF 1 recalled sending user “Warpork” in excess of 10 nude images / videos of herself at his request, but denied ever being threatened or coerced by him. “Warpork” sent MF 1 in excess of 10 images of himself nude as well.

23. MF 1 provided HSI Long Island Special Agents with a verbal description of what “Warpork” looked like. The description matched that of M. OSTROWSKI. The Special Agents then presented MF 1 with M. OSTRWOSKI’s New York State Driver’s license image. MF 1 positively identified M. OSTROWSKI as SnapChat user “Warpork”. MF 1 further stated the image was one of many “selfies” SnapChat user “Warpork” sent her over the duration of their online relationship.

⁵ Withheld to protect a minor victim.

24. MF 1 informed HSI Long Island Special Agents that the deleted text messages from January and March 2019 identified in paragraphs 14 a. and 14 b. recovered from SUSPECT DEVICE 2 were conversations between her and the individual she knew as "Warpork".


CONCLUSION

Based upon the forgoing, the undersigned respectfully submits that there is probable cause to believe **M. OSTROWSKI**, has violated Title 18, United States Code, 2252A(a)(5)(B) (Possession of Child Pornography).



NICHOLAS MELCHIORRE
Special Agent
Homeland Security Investigations

Sworn to and subscribed telephonically
this 25th day of August, 2020.



HONORABLE JEREMIAH J. McCARTHY
United States Magistrate Judge

United States District Court
for the
Western District of New York

United States of America

v.

MATTHEW C. OSTROWSKI

Case No. 20-mj- 1139

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

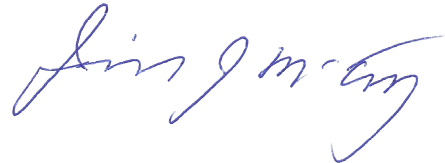
YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (*name of person to be arrested*) **MATTHEW C. OSTROWSKI**, who is accused of an offense or violation based on the following document filed with the Court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
- ☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Counts 1 & 2: Violations of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

Date: August 25, 2020



Issuing officer's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and Title

Return

This warrant was received on (*date*) _____, and the person was arrested on (*date*) _____,
at (*city and state*) _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: **Matthew C. Ostrowski**

Known aliases:

Last known residence: **274 Meadow Drive, North Tonawanda, New York**

Prior addresses to which defendant/offender may still have ties:

Last known employment:

Last known telephone numbers:

Place of birth:

Date of birth: **1/28/1972**

Social Security number:

Height: **6'1"**

Weight: **230**

Sex: **Male**

Race: **White**

Hair: **Brown**

Eyes: **Brown**

Scars, tattoos, other distinguishing marks:

History of violence, weapons, drug use:

Known family, friends, and other associates (*name, relations, address, phone number*):

FBI number:

Complete description of auto:

Investigative agency and address: **Homeland Security Investigations, 250 Delaware Avenue, 8th Floor**

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*):

Nick Melchiorre, 716-464-5923 (Office), 716-597-6261 (Cell)

Date of last contact with pretrial services or probation officer (*if applicable*):